

IN THE DRAWING:

Replace the original drawing sheets 11 to 23 with the enclosed Replacement Sheets.

REMARKS

Claims 1 to 11 are in the application.

The Examiner will note that, as a result of the foregoing amendment, the drawing pages 11 through 23 have been replaced by Replacement Sheets in which the figures are provided with figure numbers.

The specification has been amended as required. Specifically, references to the claims have been removed.

Claims 1 to 11 have been amended to provide antecedent bases for the expressions mentioned by the Examiner in paragraph 5 of the Office Action.

Reconsideration and withdrawal of the rejection of the claims 1 to 4, 6 and 9 to 11 under 35 U.S.C. 102(b) as being anticipated by Liedmeyer, et al., are respectfully requested.

Applicants respectfully submit that the reference to Liedmeyer, et al. does not show the present invention as claimed.

Specifically, the reference does not show a vehicle with a movable hatch that encloses a rear window. Rather, the reference shows a conventional notchback in which the movable roof 2 with the rear window and the rear roof part 6, on the one hand, and the hatch 7, on the other hand, form completely separate structural units which move independently from each other.

In addition, the reference to Liedmeyer, et al. does not show that the rear roof part 6 which includes the rear window does not have a relative mobility of the rear window, but rather the rear window is rigidly connected to the rear part 6 of the roof 2 and is arranged underneath the lid part 7. Of course, also in the position of rest, the rear window has a substantial distance from the hatch, as seen in Fig. 4; however, the rear window is in its closed position not a component part of the hatch.

In accordance with the reference to Liedmeyer, et al., it is also not possible to have a mobility of the rear window relative to regions that surround it, as recited in claim 1 of the present application. This mobility is not possible in Liedmeyer, et al. because of the rigid connection of the rear window in these regions.

It is precisely the point of the present invention that the rear window can be moved from a closed position in which it contains the hatch into a released position with a distance from the hatch in which the rear window was previously a component part thereof. The reference to Liedmeyer, et al. does not show anything which would compare to this feature of the present invention. In fact, because the rear window does not have its own relative mobility, the reference clearly does not even provide a suggestion for such a separate movement.

Accordingly, the reference to Liedmeyer, et al. does not disclose or suggest the present invention as it is claimed in the present application.

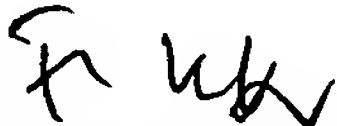
Applicants have noted that the Examiner has indicated that claims 5, 7 and 8 would be allowable if rewritten in independent form. However, Applicants respectfully submit that claim 1 as originally filed is clearly patentable over the art of record.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,
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January 31, 2008



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on January 31, 2008.

By: 

Friedrich Kueffner

Date: January 31, 2008